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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH J SCHMIER,
Plaintiff,

No. C 09-02740 WHA

v.

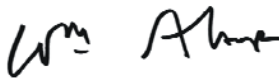
**ORDER REGARDING
APPLICATION FOR TRO**

JUSTICE OF THE CALIFORNIA
SUPREME COURT, et al.,
Defendants.

Plaintiff has filed an *ex parte* application for a temporary restraining order to enjoin defendants from enforcing California Rule of Court 8.1115(a), which prohibits citation of or reliance upon opinions of the California appellate courts that are not certified for publication. The application explains that plaintiff is a lawyer who is counsel of record for a defendant in a pending criminal case in which arraignment and court trial are scheduled for July 22, 2009. Plaintiff filed no accompanying proof that the application has been served on the defendants. In light of the fact that the trial is scheduled to begin only on July 22, the request for a temporary restraining order is denied. Instead, a hearing on the motion for injunctive relief will be held **JULY 17, 2009, AT 2:00 P.M.**, on the condition that plaintiff serve the complaint, application and a copy of this order on at least one defendant with standing who is in a position to respond appropriately by **JUNE 24, 2009, AT 5:00 P.M.** Plaintiff must file a proof of service with the Court by **JUNE 25, 2009, AT NOON.** A brief in opposition to the application shall be due **JULY 10, 2009, AT 5:00 P.M.**

IT IS SO ORDERED.

Dated: June 23, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE